

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

T & E INVESTMENT GROUP, LLC, d/b/a	§	
ROBERTS INVESTMENT GROUP and	§	
TIMOTHY ROBERTS,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	No. 3:11-cv-0724-P
	§	(consolidated with No. 3:11-cv-1558-P)
CHRISTOPHER FAULKNER,	§	
BREITLING OIL AND GAS	§	
CORPORATION, PARKER HALLAM,	§	
and DUSTIN RODRIGUEZ	§	
a/k/a MICHAEL MILLER,	§	
	§	
Defendants.	§	

DEFENDANTS’ SUPPLEMENTAL MOTION *IN LIMINE*

TO THE HONORABLE UNITED STATES JUDGE:

COME NOW, Christopher Faulkner (“Faulkner”), Breitling Oil and Gas Corporation (“Breitling”), Parker Hallam (“Hallam”), and Dustin Rodriguez (“Rodriguez”) (Faulkner, Breitling, Hallam and Rodriguez are collectively referred to as the “Defendants”), and submit this Supplemental Motion *in Limine* as follows:

I.

Before the voir dire examination of the jury panel, and out of the presence and hearing of the jury panel, Defendants make this motion *in limine*. Defendants seek to exclude matters that are incompetent, irrelevant, or prejudicial to the material issues in this case. If Plaintiffs inject these matters into the trial of this case through comment, suggestion, attorney’s arguments, or witness testimony, Plaintiffs will cause irreparable harm to Defendants’ case, which no jury instruction would

cure. If any of these matters are directly or indirectly brought to the attention of the jury, Defendants would be compelled to move for a mistrial. In an effort to avoid prejudice and possible mistrial, Defendants urge this motion *in limine*.

II.
SUPPLEMENTAL REQUEST FOR *LIMINE*

Defendants ask the Court, by entering the attached order, to prohibit Plaintiffs from commenting on, suggesting, arguing, or offering any evidence or testimony of the following matters without first asking for a ruling from the Court on the admissibility of the evidence, outside the presence of the jury.

1. Asking any questions regarding arrest records of Defendants or Defendants witnesses. Such evidence is not relevant and can only serve to harass and embarrass Defendants. Federal Rules of Evidence 404 and 609.

2. Any mention that Defendants are or were being investigated by the Securities and Exchange Commission. Such facts are not relevant to the issues raised in this case and the prejudice that would befall Defendants outweighs admissibility of such testimony. Federal Rules of Evidence 403.

WHEREFORE PREMISES CONSIDERED, Christopher Faulkner, Breitling Oil and Gas Corporation, Parker Hallam and Dustin Rodriguez respectfully pray the Court to instruct Plaintiffs and their counsel not to mention, refer to, interrogate about, or attempt to convey to the jury in any manner, either directly or indirectly, any of these matters without first obtaining the permission of the Court outside the presence and hearing of the jury, and further instruct Plaintiffs and their counsel to warn and caution each of their witnesses to follow the same instructions.

Respectfully submitted,

By: /s/ Ryan K. Lurich

Lawrence J. Friedman

Texas Bar No. 07469300

lfriedman@fflawoffice.com

Ryan K. Lurich

Texas Bar No. 24013070

rlurich@fflawoffice.com

R. Brian Shields

Texas Bar No. 24056310

bshields@fflawoffice.com

FRIEDMAN & FEIGER, L.L.P.

5301 Spring Valley Road, Suite 200

Dallas, Texas 75240

(972) 788-1400 (Telephone)

(972) 776-5313 (Telecopier)

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

Mark A. Hendrix, Esq.
Krage & Janvey, L.L.P.
2100 Ross Avenue, Suite 2600
Dallas, Texas 75201
(214) 397-1914 (Telephone)
(214) 220-0230 (Telecopier)

/s/ Ryan K. Lurich

Ryan K. Lurich

#693528